

August 22, 2012

PUBLIC SAFETY COMMITTEE REPORT

A Public Safety Committee meeting was held on Wednesday, August 22, 2012 at 5:30 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas

Committee Members Present: Winscott, King, Curry, Carr

Others Present: County Judge Bob Clinard, County Attorney George Spence, JPs Allen, Hawkins, Jones, Administrator of General Services Elizabeth Bowen, Administrator of Public Safety Marshal Watson, Centerton Mayor Bill Edwards

Media: Tom Sissom

JP Winscott called the meeting to order at 5:30 p.m.

Public Comments

None

Discussion: Proposed Ordinance to Provide an Appeal Process with Regard to Orders Designating Properties for Cleanup

Administrator of General Services Elizabeth Bowen stated this proposed ordinance is to provide an appeal process with regard to orders designating properties for cleanup under SEC 30-81 of the Code of Ordinances of Benton County.

Elizabeth Bowen stated that Article 1 Section 30-82 of the *Code of Ordinances of Benton County* shall be amended to read as follows;

(2) A dated notice shall be included with the copy of the Order under subsection (1) notifying the owner of the property that a hearing on the order may be requested by delivering a written request within ten days of the date of the notice to the County Judge's Office. The written request may be delivered by fax, email, or any other means but the owner has the responsibility to be certain that the hearing request is in fact received. Upon a written request for a hearing, the County Judge, may hear the facts and render a decision or alternatively, may appoint three members of the Quorum Court to do so. Such hearings shall be held promptly. No specific procedure shall be required but it shall be the discretion of the Judge or Justices of the Peace to hear the hearing under such procedure as it is determined will best establish the facts, including if appropriate, visiting the site. The decision of the Judge, or in the event he appoints a panel of Justices of the Peace their decision, shall be final.

Discussion was held on the final decision being made by the County Judge or that of the three appointed Justices of the Peace.

JP Allen stated he had a problem with the last sentence on the proposed ordinance that read "their decision shall be final."

County Attorney George Spence stated that the property owner would still have the option to go to court; there just would not be an appeal of the Justice of the Peace's decision.

JP Carr made motion to forward the proposed ordinance request to the Tuesday, September 11, 2012 Committee of Thirteen agenda, seconded by JP Curry.

There being no further discussion, a roll call vote was recorded as follows:

4 yeas:	King, Winscott, Curry, Carr
1 absent:	Sandlin

Motion passed.

Discussion: Washington County Emergency Medical Services (EMS) Up-date

County Judge Bob Clinard stated that in Washington County, Central Emergency Medical Services handles all of Washington County, except for an area that the City of Springdale covers. He stated that Central Emergency Medical Services was started in the 80's and that they handle approximately 9,300 calls a year, with 6,500 transports. He stated that their budget is \$8.5 million for 2012 and that they have 82 employees and 20 part-time. He added that 75% of their budget is paid for by Medicare and insurance, and 10% of the budget is paid for by the cities at \$4 per capita basis, and \$15 per capita in the unincorporated area. He stated they do all emergency and non-emergency transports, and that in Benton County those transports are done by private entities.

County Judge Bob Clinard stated that Benton County has eight EMS providers, the Cities of Bentonville, Rogers, Pea Ridge, Bella Vista, Gravette, Springdale, and Siloam Springs and NEBCO, and to start today to combine those into one EMS Service is probably not feasible. He stated this is a difficult situation.

Lengthy discussion was held on the coverage area that Central Emergency Medical Services provides in Washington County.

County Judge Bob Clinard stated that Central Emergency Medical Services will make a profit or break even if there is a large population; they do not and cannot make money in the outskirts where there is very little population. He stated that they did not believe that any ambulance service is going to come in and just do the unincorporated areas of Benton County because Benton County does not have the population for a company to make a profit or break even. He stated that one of the county's options is to contract with a private ambulance service to go into the unincorporated area, adding that it is very difficult for an ambulance service in a widely scattered area to make a profit.

JP Winscott reported that Central Emergency Medical Services' projected mandatory write-offs, that they will not be able to collect for this year, will be about \$3.5 million.

Administrator of Public Services Marshal Watson stated that every city in Washington County has given Central Emergency Medical Services exclusive rights to do transfer, and that they are guaranteed all non-emergency business in Washington County. He stated that there is not enough non-emergency business in unincorporated Washington County to support another provider.

Further discussion was held on the Central Emergency Medical Services program provided to Washington County and the costs to provide Emergency Medical Services (EMS) to Benton County.

JP Carr stated that one of the problems that Central Emergency Medical Services runs into, is when non-emergency transports are requested during a very busy time, when all of their units are out on calls, such as during Bikes, Blues, and Barbeque, another ambulance service cannot come in and handle that transport.

County Judge Bob Clinard stated that out of the \$8.5 million budget, about 75% of the income is from transports; about 15% comes from state funds, and a portion of the Tobacco Tax. He added that 10% to 11% of their budget comes from the cities and county per diem tax.

JP Allen asked how much Washington County appropriates for EMS. Marshal Watson stated that Washington County's portion of the subsidy is \$600,000, based on \$15.50 per capita to make the service available.

County Judge Bob Clinard stated this is a complicated situation, and these discussions will help make a decision.

Further discussion was held on providing Emergency Medical Services (EMS) service and the costs to Benton County.

Discussion: Emergency Medical Service (EMS) Programs Provided in Other Counties in Other States

Marshal Watson distributed a report showing the Emergency Medical Services budgetary projections for Emergency Medical Services (EMS) from 2011 through 2015 for Benton County. He stated that they project a 10% increase over 2011 and a 5% increase for 2013. Marshal Watson stated that paying the providers \$400 a call, based on projected increases in the number of calls, EMS service could cost \$794,880 by 2015.

Marshal Watson stated that St. John's, which operates several ambulances in southwest Missouri, and APT Ambulance Service in Bentonville have shown interest in forming a partnership to assist Benton County. He stated that they perceive that there are two opportunities for improvement in Benton County—the Highway 12 corridor and an area comprised of Highfill, Gallatin, and the south Siloam Springs area. He said that providing ambulance service in those two areas would require a subsidy of approximately \$400,000 per year.

Marshal Watson stated that another option would be to start a county-operated ambulance system with a start up cost of \$3.2 million, with a potential annual cost of about \$2.2 million in 2014 and revenue of somewhere between \$600,000 and \$1.2 million, depending on how many of the municipalities contract with the county. He stated that this number does not include facilities to house the ambulances, or a savings account for future repair costs or replacement of the ambulances.

Discussion was held on the difference between the level of service provided by Advanced Life Support and Basic Life Support ambulance services.

County Judge Bob Clinard stated that state law says that a county and the cities within it, can mutually agree on a contract to provide this service, and he is saying that it can be negotiated unless he is told

differently by a judge. He stated that if it is a mutually agreeable contract, it is negotiable, and he does not think that they want to put those negotiations out on the table because everybody is different. He stated that \$150,000 was appropriated last year, and he thought they were going to come up with a number for 2013, to be distributed based on the number of transports. He stated that he does not know whether or not he can negotiate \$600,000 for 2014. He stated that they have to decide as the Quorum Court and the County Judge, if they are going to pay what these providers are asking for, and that he does not mean any disrespect to them at all for what they are asking. He stated that the court has to decide if they are going to pay what the providers are asking, or some number that meets our budget. He stated that we really need to start this discussion by saying that the county is not required by law to provide EMS ambulance service to the city. He added that morally, or any other reason that you would want to use, it is up to us, what we want to do.

Judge Clinard stated that if the county is going to provide the service, the question is how are we going to pay for it. He said that the court will have to decide whether they are going to take it out of the General Fund and cut something else, or are they going to go to the public with some sort of a funding program, whether that be a tax, a millage, or per household, that is what they have to decide. He stated that cost is elusive, every provider has a different formula for how much it is going to cost, and that he has looked at all of the numbers and it is difficult to say, if this is fair or this is not fair.

Judge Clinard stated that to answer the question, "can he negotiate?", although he does not know what the number is, it is negotiable; it is within the law that he can negotiate with these different entities as to what that cost is, and he thinks that it is legal and fair to do that. He added that what the results of those negotiations will be, he cannot say, but he does believe that there is an opportunity here. He said that it comes down to two decisions - are we going to pay what the providers are asking for, or are we going to pay what the county thinks it can afford. He stated his recommendation would be to come up with a number to put in next year's budget to appropriate to these providers and then continue to work on a permanent solution. He added that we are not going to have a permanent solution by November of this year.

Discussion was held on the Emergency Medical Services budgetary projections, costs per run, and the number of transports in the unincorporated areas.

JP Allen questioned the \$400 rate, saying that Gravette has indicated a willingness to accept the county's current subsidy, and that the county should study the differences between Gravette's operation and Bentonville's to determine why the cost difference is so great. He stated that one municipality is saying they are doing fine and do not need the money, and maybe the court should look at somebody who is making it work.

JP King stated that the key thing is that the county does not have to provide this service.

Marshal Watson stated that NEBCO has an overhead of \$943 per run to make their service available.

Discussion: Emergency Medical Services (EMS) Payment to Cities in 2013 Budget

Discussion was held on making a recommendation to the Finance Committee for the 2013 Budget, the dollar amount for EMS service to be budgeted. County Judge Bob Clinard stated that a recommendation is needed.

JP Curry made motion to increase the amount that Benton County pays the various cities which provide ambulance service to the unincorporated areas of the county to \$300,000 for the 2013 Budget year and to increase the amount by \$150,000 each year until the amount reaches \$600,000, seconded by JP

There being no further discussion, a roll call vote was recorded as follows:

4 yeas:	King, Winscott, Curry, Carr
1 absent:	Sandlin

Motion carried.

Further discussion was held on increasing the amount for EMS service in the 2013 budget.

JP Jones stated that they are not going to make that decision before reviewing, next year's budget, and that the court needs to show that it is working on coming up with a solution.

JP Allen stated that he appreciates that the committee is making a recommendation to the Finance Committee, but this is a budgetary item which will not be acted on until they vote on the budget. He added that just because the number is in the budget doesn't mean that it is going to be finalized, but that this is a good start.

Jerry Owen, Beaver Lake Fire Chief, commented on the Central Emergency Medical Services serving all of Washington County, and stated that Benton County EMS service cannot be compared with that of Washington County.

Kara Funk, NEBCO VFD Board Chair, commented on Emergency Medical Services (EMS) and reminded the court that EMS is not just for the residents of Benton County, but also for the people who vacation and travel through the area.

There being no further discussion, a roll call vote was recorded as follows:

4 yeas:	King, Winscott, Curry, Carr
1 absent:	Sandlin

Other Business

None

After motion and second the meeting adjourned at 7:50 p.m.